



Tuesday, April 23, 2024

Kingsport City Schools Board of Education Work Session - 6:00 PM

Administrative Support Center, Tennessee Room (3rd Floor)

400 Clinchfield Street

Kingsport, TN 37660 Phone: (423) 378-2102

1. **CALL TO ORDER**
2. **REPORTS**
 - 2.1. Student Random Drug Testing Report (Dr. Andy True/Mr. Jim Nash)
 - 2.2. Policy Report (Dr. Andy True)
 - 2.3. Budget Update for FY 2024-2025 (Mr. David Frye)
 - 2.4. Gift Delivery Procedures (Mrs. Julie Byers)
 - 2.5. BOE Committee Report (Mrs. Melissa Woods)
 - 2.6. Superintendent Report (Dr. Chris Hampton)
3. **ADJOURNMENT**



Random Drug Testing Regulations and Procedures

2024 - 2025

Kingsport City Schools

Random Drug Testing Regulations and Procedures

Kingsport City Schools has a strong commitment to the health, safety, and welfare of all of its students. To support students and families, a proactive approach in the form of a Random Drug Testing Program for deterrence has been instituted, per TCA § 49-6-4213. The purposes of this program are:

1. To maintain order, discipline, safety, supervision, and education of students;
2. To employ education, testing and counseling to deter student use of illegal drugs and thereby enhance the safety and health of students;
3. To undermine the effects of peer pressure by providing students with a legitimate reason to refuse to use illegal drugs; and
4. To encourage students who use illegal drugs to participate in counseling and drug treatment programs.

Definitions

The term *illegal drugs*, per TCA § 49-6-4213, means:

1. Scheduled drug or substances with no medically recognized purpose, which may include but is not limited to marijuana or opiates, as specified in Tennessee Code Annotated §§ 39-17-405 - 39-17-416; and
2. Alcohol.

The term *extracurricular activity* or *extracurricular activities* means:

1. Voluntary participation in TSSAA-sanctioned or TISCA-sanctioned organized athletic activity outside the normal graded academic curriculum (including co-curricular non-graded activities) in grades 9-12; or
2. Voluntary participation in school-sponsored cheerleading and Spirit Shakers in grades 9-12; or
3. Voluntary participation in school-sponsored extracurricular activities.

The term *tested population* means:

1. Students in grades 9-12 who participate in one or more extracurricular activities.
 - a. Exception: Students with disabilities participating in Sparkle Squad and/or Unified Athletics, as identified by the KCS Director of Special Education.

Random Drug Testing

Participation in extracurricular activities is a privilege and not a right. Students in grades 9-12 who voluntarily participate in extracurricular activities are expected to accept the responsibilities that accompany the privileges. Among these is the responsibility to remain drug free. All students who plan to voluntarily participate in extracurricular activities must consent to random drug testing as a condition of participation in such activities.

Randomly throughout the academic school year, students in grades 9-12 who desire to participate in extracurricular activities will be subject to urine testing for drugs.

Testing shall not be conducted for the sole purpose of discovering evidence to be used in a criminal prosecution.

Testing shall be conducted in the presence of a medically trained professional.

Academically Non-Punitive

This policy is not academically punitive. It is designed to promote and sustain a drug-free educational environment for students and to assist students in obtaining help when needed. No student will be penalized academically for testing positive for illegal drugs pursuant to this program. No student will be expelled or suspended from school solely as a result of a positive test under this program, but the students may be prohibited from participation in extracurricular activities as set out herein. No record of participation or of any test results will appear on a student's transcripts. This testing is not conducted for the purpose of discovering evidence to be used in a criminal prosecution and information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or legal process.

Scope

This program applies to all students in the tested population. No student shall be allowed to participate in extracurricular activities until the student and parent/guardian (if the student is under the age of 18) have signed a written consent (**Exhibit 1**).

Written Consent

The student and parent/guardian will be informed of the policy prior to participation in extracurricular activities and must sign a consent to random drug testing as a condition of participating in an extracurricular activity each school year in which a student is enrolled. Written consent shall be on the form attached as **Exhibit 1**. By completing the Consent Form, the student agrees to participate in the Random Drug Testing program. The student and parent/guardian will be required to submit the completed Consent Form before the student is allowed to participate in any aspect of an extracurricular activity, including training, practice, conditioning, or games.

Testing Procedure

Drug testing will be overseen by an independent drug testing company (the "Company"). Testing will be accomplished by the collection of specimens on the random test dates. The collection will be conducted by a representative of the Company (the "Representative") under circumstances that ensure the integrity, validity, and accuracy of the test results, but are minimally intrusive and provide maximum privacy to the tested student.

Random Testing

1. The tested population will be subject to unannounced random drug testing for the presence of drugs.
2. A student will enter the tested population each school year on the date he/she submits the written Consent to Random Drug Testing. Once entering the tested population, a student will remain in the tested population for the remainder of that school year (through the May random drug test).
3. Random drug testing will be conducted during the school day on dates determined by the Superintendent of Schools or designee. Testing will take place on ten (10) school days per school year at a rate of one day per month from August through May.
4. The number of students randomly selected for testing will be twenty (20) per test administration.
5. The dates for the random selection of students from the population to be tested will be determined by the Superintendent of Schools or designee.
6. Prior to each random test date, the Administrator will provide the Company an updated list of the Local ID number for all students in the tested population. The Company will randomly select twenty (20) Local ID numbers to be tested each testing date.
7. The Administrator or designee will receive the list of Local ID numbers selected for each random test. Notification of those students who have been selected for testing will be in-person by the Administrator or a school employee designated by the Administrator. Selected students must show the Administrator/designee and/or the Representative photo identification, either a school ID or a driver's license. If a student is unable to provide a photo ID, a building principal or assistant principal must identify the student.
8. Students selected for testing will be notified and immediately tested. Any student randomly selected for drug testing who is not in school on the day selected will be tested on the next scheduled testing date. If again absent on that next testing date, the student will remain on the list to be tested on subsequent testing dates until testing occurs.
9. Parents/guardians will be notified in writing when their student has been tested (**Exhibit 2**). The notice will be given to the student to deliver to his/her parent/guardian. The notice will also be mailed to the student's parent/guardian.
10. If a student does not provide a viable testing sample within the timeframe outlined in the Collection Protocol or refuses to be tested, the test will be considered as a positive test result and the student will be subject to

consequences as specified under Consequences for Positive Results.

Collection Protocol

1. The Company will follow established guidelines for all drug testing and follow best practice and standards for administering a drug testing program. Testing will require a designated restroom and area for setup of supplies and equipment.
2. Each student will be given the opportunity to give a specimen to the collector, which shall occur in the presence of the witness who shall be an employee of the Company with the necessary training or licensure to oversee collection of specimens. If the student is unable to provide a sample sufficient for testing, they will have three (3) hours from the time of the initial collection to provide another specimen. During that time, the student may drink up to forty (40) ounces of fluid. The student must be observed by an employee of the Company during the time between testing attempts, as well as being time and fluid-intake monitored.
3. If it is determined that a sample is adulterated or that a student has failed to follow the procedures outlined in administering the collection process, the student will be removed from participation in all voluntary extracurricular activities for one calendar year (365 days) or the next applicable step in the Consequences for Positive Results for that student (whichever is greater).

Tested Substances

The Company will perform a 12 panel urine drug screen on provided samples, testing for the following substances:

<u>Substance</u>	<u>Cutoff Value</u>
Methaqualone (300/300)	300 ng/mL
Oxyc/Oxym (100/100)	100 ng/mL
Buprenorphine (10/10-5)	10 ng/mL
Amp/Mamp (1000/500)	1000 ng/mL
Barbiturates (300/300)	300 ng/mL
Benzodiazepines (300/300)	300 ng/mL
Cocaine Metabolite (300/150)	300 ng/mL
Marijuana Metabolites (50/15)	50 ng/mL
Methadone MTB (300/300)	300 ng/mL
Propoxyphene MTB (300/300)	300 ng/mL
Phencyclidine (25/25)	25 ng/mL
Opiates-4 (2000/2000)	2000 ng/mL

Procedures in the Event of a Negative Result

In the case of a negative result, the Company will release the results to the designated Administrator.

Procedures in the Event of a Non-Negative Result

In the case of a non-negative result, the Company will contact the student/parent/guardian to confirm if there is a valid prescription. Once the determination has been made, the result will be communicated to the designated Administrator.

- Failure to supply the prescription or documentation will subject a student to the consequences as specified under Consequences for Positive Results.
- If a student or parent/guardian elects to contest the results of the Random Drug Test, they may do so at their own expense/the expense of the district (to be determined by the Board).

Consequences for Positive Results

When a test result indicates the presence of illegal drugs, the following will occur:

First Positive

1. The student will be required to attend a mandatory drug and alcohol counseling program, provided by Kingsport City Schools at its cost, within thirty (30) days from the date of the positive result. If desired, parents may elect to pursue an alternate counseling program at their own expense, upon approval of the district. If after 30 days the student has not enrolled in the mandatory drug and alcohol counseling program, the student will be suspended from all extracurricular activities until commencement of attendance in the approved drug and alcohol counseling program.
2. The student will be subject to mandatory drug testing for the next three (3) consecutive testing cycles, at the school district's expense. After the completion of three (3) consecutive negative drug tests, the student will be returned to the random drug testing program. A student's refusal to be tested in the drug testing program will be treated the same as a positive test result and will be counted in the cumulative number of positive test violations.
3. The student will be suspended from all voluntary extracurricular activities for a period of fifteen (15) days.

Second Positive

1. The student will be required to attend a mandatory drug and alcohol counseling program, provided by Kingsport City Schools at its cost, within thirty (30) days from the date of the positive result. If desired, parents may elect to pursue an alternate counseling program at their own expense, upon approval of the district. If after 30 days the student has not enrolled in the mandatory drug and alcohol counseling program, the student will be suspended from all extracurricular activities until commencement of attendance in the approved drug and alcohol counseling program.
2. The student will be subject to mandatory drug testing for the next three (3) consecutive testing cycles, at the school district's expense. After the completion

of three (3) consecutive negative drug tests, the student will be returned to the random drug testing program and permitted to resume participation in extracurricular activities. A student's refusal to be tested in the drug testing program will be treated the same as a positive test result and will be counted in the cumulative number of positive test violations.

3. The student will be suspended from all voluntary extracurricular activities for a period of 180 days.

Third Positive

1. The student will be required to attend a mandatory drug and alcohol counseling program, provided by Kingsport City Schools at its cost, within thirty (30) days from the date of the positive result. If desired, parents may elect to pursue an alternate counseling program at their own expense, upon approval of the district. If after 30 days the student has not enrolled in the mandatory drug and alcohol counseling program, the student will be suspended from all extracurricular activities until commencement of attendance in the approved drug and alcohol counseling program.
2. The student will be subject to mandatory drug testing for the next five (5) consecutive testing cycles, at the school district's expense. After the completion of five (5) consecutive negative drug tests, the student will be returned to the random drug testing program and permitted to resume participation in extracurricular activities. A student's refusal to be tested in the drug testing program will be treated the same as a positive test result and will be counted in the cumulative number of positive test violations.
3. The student will be suspended from all voluntary extracurricular activities for a period of one calendar year (365 days).

Fourth Positive

1. The student will be ineligible for participation in voluntary extracurricular activities for the remainder of his/her high school career.

Appeal

If a student, parent or guardian wishes to contest the results of a positive test, a written appeal must be submitted to the Superintendent of Schools or designee within five (5) working days of the date of notification of the positive test. Either the student, parent, or guardian may challenge any procedure related to the collection or testing of the specimen. Upon appeal, the Company will be instructed to submit the specimen for re-testing. The student may not participate in voluntary extracurricular activities until the appeal process has been completed.

Other Notes

- Confidentiality of test results must be maintained at all levels, including the Company, school administrators, and all KCS employees (Exhibit 3). The school administrator will be responsible for conducting an annual meeting with school

faculty and staff regarding the student drug testing policy, related procedures, and confidentiality requirements.

- All positive testing records held by Kingsport City Schools will be maintained by the KCS records administrator.
- A student who is prohibited from participating in extracurricular activities cannot participate in any extracurricular activities at any level.

Draft - Apr. 2024



Consent to Random Drug Testing Exhibit 1

I have received a copy of Kingsport City Schools Random Drug Testing Program. I understand that by signing this form:

- **I agree to participate in the Random Drug Testing Program.**
- **I agree that participation in voluntary extracurricular activities is a privilege that may be withdrawn if I do not adhere to the requirements of the program.**
- **I agree to provide a urine sample for drug testing when requested to do so in accordance with the program.**
- **I agree sanctions for violation of the KCS Random Drug Testing Regulations and Procedures may be imposed upon me.**
- **I authorize the notification of my parent or guardian of any positive drug test results. I further authorize the confidential release of this information to other individuals, including Kingsport City Schools officials, as provided in the Random Student Drug Testing program description,.**

Student Name _____ Birth Date ___/___/___ Grade ____

Student Signature _____ Date _____

.....

I am the parent/guardian of a student at Dobyns-Bennett High School and I have received a copy of Kingsport City Schools Random Drug Testing Program. I understand that by signing this form:

- **I agree to allow my student to participate in the Random Drug Testing Program.**
- **I agree that participation in extracurricular activities is a privilege that may be withdrawn if my student does not adhere to the requirements of the program.**
- **I agree that my student may provide a urine sample for drug testing when requested to do so in accordance with the program.**
- **I agree sanctions for violation of the KCS Random Drug Testing Regulations and Procedures may be imposed upon my student.**

I understand that this Consent is binding as long as my student attends the Kingsport City Schools or until this Consent is revoked by me in writing and delivered to the Superintendent of Schools.

Name _____ Student Grade _____

Signature _____ Date _____

Home Phone _____ Work Phone _____



**Kingsport City Schools
Parent/Guardian Notification of Urine Drug Test
Exhibit 2**

Date _____

Parent/Guardian _____

Address _____

Student Name _____

Dear _____ :

Parent/Guardian

This is to inform you that your student, _____, submitted a urine specimen on _____ pursuant to the Kingsport City Schools Board Policy 6.3071 - Student Alcohol and Drug Testing policy and the procedures outlined in the Kingsport City Schools Random Drug Testing Program.

School Administrator



**Confidentiality Statement
Athletic Drug Testing Program
Exhibit 3**

I understand that I will be exposed to privileged and confidential information associated with the Kingsport City Schools Random Student Drug Testing Program, which may include the names and identities of students tested and the results of such tests. I understand that I am prohibited from disclosing this information to anyone except as allowed by Law, by Policy, or by the Random Student Drug Testing Program, or with the properly obtained permission of the parent or guardian, or the student if age 18. I understand that if I disclose this information in violation of this agreement I will be subject to discipline, which may include termination of my employment.

Printed Name: _____

Signature: _____

Position: _____

Date: _____

49-6-4213. Testing of students for drugs — Referral information and assistance for students testing positive.

(a)

(1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student. All of the following standards of reasonableness shall be met:

(A) A particular student has violated school policy;

(B) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;

(C) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;

(D) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and

(E) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.

(2) A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth in subdivisions (a)(1)(B)-(E) are met.

(b) As used in this section and § 49-6-4203, "drugs" means:

(1) Any scheduled drug as specified in §§ 39-17-405 — 39-17-416; and

(2) Alcohol.

(c) Before a drug testing program is implemented in any LEA, the local board of education in that LEA shall establish policies, procedures and guidelines to implement this section within that LEA. The state board of education shall prepare a model policy, procedure and guidelines that may be adopted by local boards of education.

(d) Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.

(e) Students shall be advised in writing at the time of their enrollment that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal.

(f)

(1) A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.

(2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the

LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.

(g) The LEA shall pay the cost of any testing required under this section.

(h) In any school where LEA or school policy allows tests provided for by this section, in-service training of principals and teachers will be conducted in signs and symptoms of student drug use and abuse and in the school policy for handling of these students. The department of mental health and substance abuse services shall cause qualified trainers to be available to the schools to conduct this training.

(i) Test reports from laboratories shall include the specimen number assigned by the submitting LEA, the drug testing laboratory accession number and results of the drug tests. Certified copies of all analytical results shall be available from the laboratory when requested by the LEA or the parents of the student. The laboratory shall not be permitted to provide testing results verbally by telephone.

(j)

(1) All specimens testing negative on the initial screening test or negative on the confirmatory test shall be reported as negative.

(2) If a student is tested and the results of the test are negative, all records of the test, request for a test or indication a student has been tested shall be expunged from all records, including school records.

(k)

(1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).

(2) No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.

(3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

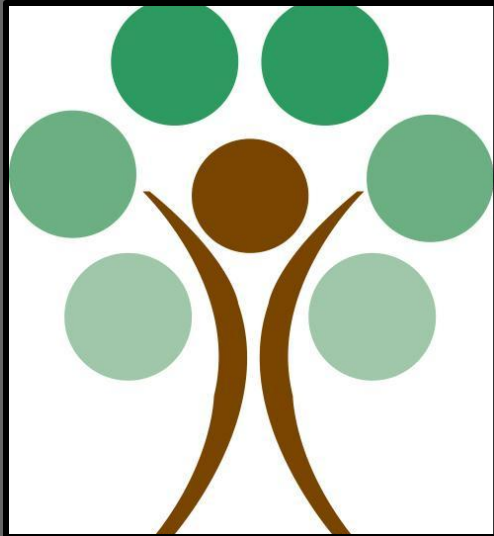
(l) Each LEA participating in the drug testing of students authorized in subsection (a) shall promulgate policies and procedures to ensure that those students testing positive receive the assistance needed. The assistance shall include an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate. Nothing in this section shall be construed to require LEAs to administer drug tests to students. Any system that elects to participate shall supply the testing materials and any subsequent counseling within existing local funds.

(m) Malicious use of authority granted by this section may be grounds for dismissal of the person so acting.

History

Acts 1988, ch. 940, § 1; 1999, ch. 367, § 5; 2000, ch. 947, § 6; 2010, ch. 1100, § 78; 2010, ch. 1136, §§ 1-4; 2012, ch. 575, § 1.

Draft - Apr. 2024



Random Student Drug Testing

Board of Education
Work Session
April 23, 2024



Kingsport City Schools™

Suggested Timeline

April 2024 BOE Work Session

- Present/Review Draft Policy
- Present/Review Draft Regulations and Procedures

May 2024 BOE Meeting

- Potential Vote (1st Reading): Proposed Policy

June 2024 BOE Meeting

- Potential Vote (2nd Reading/Consent): Proposed Policy
- Potential Vote: Proposed Regulations and Procedures



Statement of Purpose

Kingsport City Schools has a strong commitment to the health, safety, and welfare of all of its students. A proactive approach in the form of a Random Drug Testing program for deterrence, per TCA 49-6-4213, is considered to support students and families.

Program Overview/Goals

- To maintain order, discipline, safety, supervision, and education of students.
- To employ education and testing and provide referral information to students/families to deter student use of illegal drugs and thereby enhance the safety and health of students.
- To undermine the effects of peer pressure by providing students with a legitimate reason to refuse to use illegal drugs.
- To encourage students who use illegal drugs to participate in counseling and drug treatment programs.

BOE Consideration History

- **March 2015 - Initial Program Consideration**
 - BOE Work Session Review/Discussion
- **March 2018 - Continued Program Consideration**
 - BOE Work Session Review/Discussion
 - Desired for continued research and public input
- **April 2018 - BOE Public Forum**
- **May 2018 - BOE Agenda Item**
 - Tabled for discussion at June 2018 BOE Retreat
- **June 2018 - Continued Discussion**
 - BOE Retreat

BOE Consideration History

- **November 2023 - BOE Request for Information**
 - BOE Retreat
- **November 2023 - Current**
 - KCS Staff Review
 - Updated Policy and Procedure Research
 - Comparable District Review
 - Procedure Development
 - Process Investigation
 - Legal Review
 - Testing Vendor

Relevant Research

- Identification of benchmark district policies/procedures
- Consultation with legal expertise
 - Kingsport City Attorney
 - Tennessee School Boards Association
- Development of draft testing policy and procedures

Relevant Research

- **Law and Policy**
 - **TCA 49-6-4213**
 - **Policy 6.3071 - Student Alcohol and Drug Testing**
 - **Policy 6.3072 - Student Athlete Drug Testing**

TCA 49-6-4213 Testing of students for drugs — Referral information and assistance for students testing positive.

(a)

(1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student. All of the following standards of reasonableness shall be met:

(A) A particular student has violated school policy;

(B) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;

(C) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;

(D) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and

(E) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.

(2) A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth in subdivisions (a)(1)(B)-(E) are met.

TCA 49-6-4213 Testing of students for drugs — Referral information and assistance for students testing positive.

(a)

(1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student. All of the following standards of reasonableness shall be met:

(A) A particular student has violated school policy;

(B) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;

(C) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;

(D) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and

(E) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.

(2) A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth in subdivisions (a)(1)(B)-(E) are met.

TCA 49-6-4213 Testing of students for drugs — Referral information and assistance for students testing positive.

(b) As used in this section and § 49-6-4203, “drugs” means:

- (1) Any scheduled drug as specified in §§ 39-17-405 — 39-17-416; and
- (2) Alcohol.

(c) Before a drug testing program is implemented in any LEA, the local board of education in that LEA shall establish policies, procedures and guidelines to implement this section within that LEA. The state board of education shall prepare a model policy, procedure and guidelines that may be adopted by local boards of education.

(d) Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.

(e) Students shall be advised in writing at the time of their enrollment that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal.

TCA 49-6-4213 Testing of students for drugs — Referral information and assistance for students testing positive.

(b) As used in this section and § 49-6-4203, “drugs” means:

- (1) Any scheduled drug as specified in §§ 39-17-405 — 39-17-416; and
- (2) Alcohol.

(c) Before a drug testing program is implemented in any LEA, the local board of education in that LEA shall establish policies, procedures and guidelines to implement this section within that LEA. The state board of education shall prepare a model policy, procedure and guidelines that may be adopted by local boards of education.

(d) Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.

(e) Students shall be advised in writing at the time of their enrollment that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal.

TCA 49-6-4213 Testing of students for drugs — Referral information and assistance for students testing positive.

(b) As used in this section and § 49-6-4203, “drugs” means:

- (1) Any scheduled drug as specified in §§ 39-17-405 — 39-17-416; and
- (2) Alcohol.

(c) Before a drug testing program is implemented in any LEA, the local board of education in that LEA shall establish policies, procedures and guidelines to implement this section within that LEA. The state board of education shall prepare a model policy, procedure and guidelines that may be adopted by local boards of education.

(d) Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.

(e) **Students shall be advised in writing at the time of their enrollment that they are subject to testing.** Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal.

TCA 49-6-4213 Testing of students for drugs — Referral information and assistance for students testing positive.

(f)

(1) A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.

(2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.

(g) The LEA shall pay the cost of any testing required under this section.

(h) In any school where LEA or school policy allows tests provided for by this section, in-service training of principals and teachers will be conducted in signs and symptoms of student drug use and abuse and in the school policy for handling of these students. The department of mental health and substance abuse services shall cause qualified trainers to be available to the schools to conduct this training.

(i) Test reports from laboratories shall include the specimen number assigned by the submitting LEA, the drug testing laboratory accession number and results of the drug tests. Certified copies of all analytical results shall be available from the laboratory when requested by the LEA or the parents of the student. The laboratory shall not be permitted to provide testing results verbally by telephone.

TCA 49-6-4213

Testing of students for drugs — Referral information and assistance for students testing positive.

(j)

(1) All specimens testing negative on the initial screening test or negative on the confirmatory test shall be reported as negative.

(2) If a student is tested and the results of the test are negative, all records of the test, request for a test or indication a student has been tested shall be expunged from all records, including school records.

(k)

(1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).

(2) No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.

(3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

TCA 49-6-4213 Testing of students for drugs — Referral information and assistance for students testing positive.

(l) Each LEA participating in the drug testing of students authorized in subsection (a) shall promulgate policies and procedures to ensure that those students testing positive receive the assistance needed. The assistance shall include an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate. Nothing in this section shall be construed to require LEAs to administer drug tests to students. Any system that elects to participate shall supply the testing materials and any subsequent counseling within existing local funds.

(m) Malicious use of authority granted by this section may be grounds for dismissal of the person so acting.

Program Description

- Participation in extracurricular activities is a privilege and not a right. Students in grades 9-12 who voluntarily participate in extracurricular activities are expected to accept the responsibilities that accompany the privileges. Among these is the responsibility to remain drug free. All students who plan to voluntarily participate in extracurricular activities must consent to random drug testing as a condition of participation in such activities.

Program Description

- Randomly throughout the academic school year, students in grades 9-12 who desire to participate in extracurricular activities will be subject to urine testing for drugs.
- Testing shall not be conducted for the sole purpose of discovering evidence to be used in a criminal prosecution.
- Testing shall be conducted in the presence of a medically trained professional.

Academically Non-Punitive

- This policy is not academically punitive.
 - It is designed to promote and sustain a drug-free educational environment for students and to assist students in obtaining help when needed.
 - No student will be penalized academically for testing positive for illegal drugs pursuant to this program.
 - No student will be expelled or suspended from school solely as a result of a positive test under this program, but the students may be prohibited from participation in extracurricular activities as set out herein.

Academically Non-Punitive

- This policy is not academically punitive.
 - No record of participation or of any test results will appear on a student's transcripts.
 - This testing is not conducted for the purpose of discovering evidence to be used in a criminal prosecution and information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or legal process.

Scope

- This program applies to all students in the tested population. No student shall be allowed to participate in extracurricular activities until the student and parent/guardian (if the student is under the age of 18) have signed a written consent.

Written Consent

- The student and parent/guardian will be informed of the policy prior to participation in extracurricular activities and must sign a consent to random drug testing as a condition of participating in an extracurricular activity each school year in which a student is enrolled.
- By completing the Consent Form, the student agrees to participate in the Random Drug Testing program.
- The student and parent/guardian will be required to submit the completed Consent Form before the student is allowed to participate in any aspect of an extracurricular activity, including training, practice, conditioning, or games.

Testing Procedure

- Drug testing will be overseen by an independent drug testing company (the “Company”).
- Testing will be accomplished by the collection of specimens on the random test dates. The collection will be conducted by a representative of the Company (the “Representative”) under circumstances that ensure the integrity, validity, and accuracy of the test results, but are minimally intrusive and provide maximum privacy to the tested student.

Random Testing

- 1.** The tested population will be subject to unannounced random drug testing for the presence of drugs.
- 2.** A student will enter the tested population each school year on the date he/she submits the written Consent to Random Drug Testing. Once entering the tested population, a student will remain in the tested population for the remainder of that school year (through the May random drug test).
- 3.** Random drug testing will be conducted during the school day on dates determined by the Superintendent of Schools or designee. Testing will take place on ten (10) school days per school year at a rate of one day per month from August through May.

Random Testing

- 4.** The number of students randomly selected for testing will be twenty (20) per test administration.
- 5.** The dates for the random selection of students from the population to be tested will be determined by the Superintendent of Schools or designee.
- 6.** Prior to each random test date, the Administrator will provide the Company an updated list of the Local ID number for all students in the tested population. The Company will randomly select twenty (20) Local ID numbers to be tested each testing date.

Random Testing

- 7. The Administrator or designee will receive the list of Local ID numbers selected for each random test. Notification of those students who have been selected for testing will be in-person by the Administrator or a school employee designated by the Administrator. Selected students must show the Administrator/designee and/or the Representative photo identification, either a school ID or a driver's license. If a student is unable to provide a photo ID, a building principal or assistant principal must identify the student.**

Random Testing

8. Students selected for testing will be notified and immediately tested. Any student randomly selected for drug testing who is not in school on the day selected will be tested on the next scheduled testing date. If again absent on that next testing date, the student will remain on the list to be tested on subsequent testing dates until testing occurs.

Random Testing

9. Parents/guardians will be notified in writing when their student has been tested. The notice will be given to the student to deliver to his/her parent/guardian. The notice will also be mailed to the student's parent/guardian.
10. If a student does not provide a viable testing sample within the timeframe outlined in the Collection Protocol or refuses to be tested, the test will be considered as a positive test result and the student will be subject to consequences as specified under Consequences for Positive Results.

Collection Protocol

1. The Company will follow established guidelines for all drug testing and follow best practice and standards for administering a drug testing program. Testing will require a designated restroom and area for setup of supplies and equipment.

Collection Protocol

- 2. Each student will be given the opportunity to give a specimen to the collector, which shall occur in the presence of the witness who shall be an employee of the Company with the necessary training or licensure to oversee collection of specimens. If the student is unable to provide a sample sufficient for testing, they will have three (3) hours from the time of the initial collection to provide another specimen. During that time, the student may drink up to forty (40) ounces of fluid. The student must be observed by an employee of the Company during the time between testing attempts, as well as being time and fluid-intake monitored.**

Collection Protocol

- 3. If it is determined that a sample is adulterated or that a student has failed to follow the procedures outlined in administering the collection process, the student will be removed from participation in all voluntary extracurricular activities for one calendar year (365 days) or the next applicable step in the Consequences for Positive Results for that student (whichever is greater).**

Tested Substances

Substance

Methaqualone (300/300)

Oxyc/Oxym (100/100)

Buprenorphine (10/10-5)

Amp/Mamp (1000/500)

Barbiturates (300/300)

Benzodiazepines (300/300)

Cocaine Metabolite (300/150)

Marijuana Metabolites (50/15)

Methadone MTB (300/300)

Propoxyphene MTB (300/300)

Phencyclidine (25/25)

Opiates-4 (2000/2000)

Cutoff Value

300 ng/mL

100 ng/mL

10 ng/mL

1000 ng/mL

300 ng/mL

300 ng/mL

300 ng/mL

50 ng/mL

300 ng/mL

300 ng/mL

25 ng/mL

2000 ng/mL

Procedures in the event of...

A Negative Result

- The Company will release the results to the designated Administrator.

A Non-Negative Result

- The Company will contact the student/parent/guardian to confirm if there is a valid prescription. Once the determination has been made, the result will be communicated to the designated Administrator.
 - Failure to supply the prescription or documentation will subject a student to the consequences as specified under Consequences for Positive Results.
 - If a student or parent/guardian elects to contest the results of the Random Drug Test, they may do so at their own expense/the expense of the district (to be determined by the Board).

Consequences for Positive Results

	Consequence	Mandatory Drug & Alcohol Counseling Program Participation	Additional Mandatory Testing Cycles	Return to Participation
1st Positive	<u>Suspension from Activities</u> 15 Calendar Days	✓	3	
2nd Positive	<u>Suspension from Activities</u> 180 Calendar Days	✓	3	Negative test result in the three (3) required consecutive drug tests
3rd Positive	<u>Suspension from Activities</u> 365 Calendar Days	✓	5	Negative test result in the five (5) required consecutive drug tests
4th Positive	<u>Suspension from Activities</u> Remainder of HS Career	✓	-	

Consequences for Positive Results

- **Additional Notes:**
 - The student will be required to attend a mandatory drug and alcohol counseling program, provided by Kingsport City Schools at its cost, within thirty (30) days from the date of the positive result.
 - If desired, parents may elect to pursue an alternate counseling program at their own expense, upon approval of the district.
 - If after 30 days the student has not enrolled in the mandatory drug and alcohol counseling program, the student will be suspended from all extracurricular activities until commencement of attendance in the approved drug and alcohol counseling program.

Consequences for Positive Results

- **Additional Notes:**
 - A student's refusal to be tested in the drug testing program will be treated the same as a positive test result and will be counted in the cumulative number of positive test violations.

Appeal

- If a student, parent or guardian wishes to contest the results of a positive test, a written appeal must be submitted to the Superintendent of Schools or designee within five (5) working days of the date of notification of the positive test.
- Either the student, parent, or guardian may challenge any procedure related to the collection or testing of the specimen.
- Upon appeal, the Company will be instructed to submit the specimen for re-testing.
- The student may not participate in voluntary extracurricular activities until the appeal process has been completed.

Other Notes

- Confidentiality of test results must be maintained at all levels, including the Company, school administrators, and all KCS employees. The school administrator will be responsible for conducting an annual meeting with school faculty and staff regarding the student drug testing policy, related procedures, and confidentiality requirements.
- All positive testing records held by Kingsport City Schools will be maintained by the KCS records administrator.
- A student who is prohibited from participating in extracurricular activities cannot participate in any extracurricular activities at any level.

Ballad Testing Information

- Estimated costs:
 - Testing Cost
 - 12-Panel Urine Drug Test = \$50 per test
 - Operations Cost
 - \$5 per student per year, max. \$350
 - Staffing
 - \$50/hour per nurse to facilitate testing process

Proposed Policy 6.3071

P. 1

Kingsport City Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Alcohol and Drug Testing	Descriptor Code: 6.3071	Issued Date:
		Rescinds:	Issued:

1 Students shall be notified in writing at the beginning of each school year, or at the time of enrollment,
2 that they shall be subject to testing for drugs and alcohol during the school year.¹

3 **RANDOM DRUG TESTING OF STUDENTS PARTICIPATING IN EXTRACURRICULAR** 4 **ACTIVITIES**⁴

5 High school students involved in any voluntary extracurricular activities shall be subject to random
6 drug tests. Parent(s)/guardian(s) and students shall be informed of this policy prior to participation and
7 shall sign a consent to the drug testing and a release of information as a condition of participation.

8 Extracurricular activity is voluntary participation in activities not falling within the scope of the regular
9 curriculum and carrying no academic credit. This includes participating in programs such as athletics,
10 cheerleading/spirit, competitive band, clubs, student leadership positions, etc.

11 Prior to performing a random drug test on a student participating in extracurricular activities, the
12 following conditions shall be met:

- 13 1. The test will yield evidence of the violation of school policy or will establish that a student
14 either was impaired due to drug use or did not use drugs;
- 15
- 16 2. The test is in pursuit of legitimate interests of the school in maintaining order, discipline,
17 safety, supervision, and education of students;
- 18
- 19 3. The test is not conducted for the sole purpose of discovering evidence to be used in a criminal
20 prosecution; and
- 21
- 22 4. Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall
23 be a school administrator or designee.

24 No student who tests positive under a random drug testing program shall be suspended or expelled
25 from school solely as the result of the positive test.⁵ The Superintendent of Schools shall develop
26 procedures establishing a random process for the selection of students to be tested.

27 Testing procedures will be approved by the Board of Education. It is the intent of the Board that the
28 procedures be carried out uniformly, fairly, and confidentially to ensure the reliability and validity of
29 the plan. Regulations and procedures developed to carry out this policy will be on file at the school
30 and at the Superintendent of School's office.

- 1 Students determined to be in violation of the policy will be subject to penalties as outlined in the Board
- 2 approved random drug testing regulations and procedures.

Proposed Policy 6.3071

P. 2

Legal References

1. TCA 49-6-4213
2. TCA 49-6-4213(g)
3. TCA 49-6-4213(a)(1)
4. TCA 49-6-4213(a)(2)
5. TCA 49-6-4213(k)(2)
6. TCA 49-6-4213(d)
7. TCA 49-6-4213(j)-(k)
8. TCA 10-7-504
9. TCA 49-6-4213(l)
10. TCA 49-6-4213(m)

Cross References

Alcohol & Drugs in the Workplace 1.804
Drug-Free Schools 6.307
Disciplinary Hearing Authority 6.317

Other Considerations

KCS Admin Review of Policy 6.309 - Zero Tolerance Offenses

- **DRUGS:** In accordance with state law, any student who unlawfully possesses any drug including any controlled substance or legend drug shall be expelled for a period of not less than one (1) calendar year. The Superintendent of Schools shall have the authority to modify this expulsion requirement on a case-by-case basis.

KCS Admin Interpretation: Beginning with the 2024-25 school year, school/district administration will interpret possession of THC in any form as a Zero Tolerance Offense.

- To be communicated and governed through KCS Student Handbook and KCS Administrative Procedures.



Random Student Drug Testing

Board of Education
Work Session
April 23, 2024



Kingsport City Schools™

KINGSPORT BOARD OF EDUCATION POLICY RECOMMENDATIONS

For: Initial Review

April 23, 2024 - Board of Work Session

Revised Policies considered for adoption on 1st Reading

REVISED POLICY – 1st Reading

4.202 – Special Education

Per recommendation of the KCS Special Education Director, revision to current Policy 4.202 is requested to more closely align with KCS practice, TSBA model policy, and feedback from recent Federal Programs monitoring.

New Policies considered for adoption on 1st Reading

NEW POLICY – 1st Reading

6.3071 – Student Alcohol and Drug Testing

At Board request and per TCA 49-6-4213, a proposed policy allowing for the random drug testing of students participating in voluntary extracurricular activities in grades 9-12 has been developed.

Kingsport City Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Special Education	Descriptor Code: 4.202	Issued Date: 11/12/19
		Rescinds: 4.202	Issued: 01/09/18

1 The Board shall provide access to a free appropriate public education to all disabled children ages 3-21,
2 inclusive, residing within the jurisdiction of Kingsport City Schools. The plan for implementation of
3 appropriate instruction and special education services shall be in accordance with the current Rules,
4 Regulations and Minimum Standards of the State Board of Education¹ and state² and federal law.³

5 The plan shall seek to accomplish the following objectives:

- 6 1. To carry out a comprehensive screening and assessment plan emphasizing the early identification
7 and evaluation of students with disabilities;
- 8 2. To use the Individual Education Program Team (IEP Team) for assessment review, program
9 formulation, and placement decisions for every student with disabilities, including review of
10 proposed suspensions when appropriate, in accordance with the State Board of Education *Rules,*
11 *Regulations, and Minimum Standards;*
- 12 3. To provide each child with a disability with an individual education program (IEP) specifically
13 designed to meet his/her unique needs;
- 14 4. To provide continuing evaluation of the progress of each student with a disability, including at
15 least an annual review of each IEP and a complete re-evaluation at least every three (3) years;
- 16 5. To ensure that procedural safeguards required by state and federal laws are adhered to; and
- 17 6. To involve parents of children with disabilities in a meaningful dialogue with school personnel,
18 which will begin with an initial referral and continue throughout the student's educational career.

19
20 The Board assures that:

- 21 • All disabled children living within the school system have available to them a free
22 appropriate public education which emphasizes special education and related services to meet
23 their unique needs.
- 24 • The rights of disabled children and their parents are protected.
- 25 • The Board shall adhere to all state and federal requirements for class size for all classrooms and
26 all children, including children with disabilities.

27 The Kingsport City Schools shall ensure that students with disabilities placed in the general education
28 classroom are provided a free appropriate public education (FAPE) and shall assure that the
29 instructional needs of all students are met. Herein the Board of Education establishes the equitable and

1 educationally sound placement of all students, including students with disabilities, in every classroom.
2 The System shall utilize the state's Basic Education Plan formula in determining class size for all
3 classrooms.

4 To ensure that provisions of FAPE according to state law and the Individuals with Disabilities
5 Education Act (IDEA) are being met, the System shall:

- 6 • Ensure that education placement decisions for all students, including students with
7 disabilities, are made based on the instructional needs of the students.
- 8 • Provide joint staff development and training for general education and special education teachers
9 (models, strategies and interventions) for maintaining an inclusive classroom.
- 10 • Facilitate interactive planning sessions with special education and general education teachers, as
11 well as paraprofessionals, regarding each student's Individual Educational Plan (IEP).
- 12 • Provide training for general education teachers regarding modifications and accommodations to
13 the IEP.
- 14 • Ensure that all students in the general education classroom have access to the standard textbooks
15 and instructional materials used in the class and provide, as needed, alternative or supplemental
16 materials.
- 17 • Provide resources, supports, supplemental aids and materials necessary for students to
18 progress in the general curriculum and to be successful in the general education classroom (e.g.,
19 assistive technology devices and services, paraprofessional support, adaptations in the
20 classroom).
- 21 • Provide the technical assistance needed to general education teachers in order to address the
22 needs of individual students.
- 23 • Provide training for paraprofessionals to ensure they acquire the knowledge and skills
24 necessary to assist students in the general education classroom.

25 Students receiving special education services shall not be restrained, except as permitted by law and
26 outlined in the Individual Education Plan (IEP).
27

Legal References

1. TRR/MS 0520-01-09
2. TCA 49-10-101, *et seq.*
3. Education of Individuals with Disabilities, 20 USCA
Sections 1400-1485; Section 504 of the Rehabilitation
Act of 1973

Kingsport City Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Alcohol and Drug Testing	Descriptor Code: 6.3071	Issued Date:
		Rescinds:	Issued:

1 **RANDOM DRUG TESTING OF STUDENTS PARTICIPATING IN EXTRACURRICULAR**
2 **ACTIVITIES⁴**

3 High school students involved in any voluntary extracurricular activities shall be subject to random
4 drug tests. Parent(s)/guardian(s) and students shall be informed of this policy prior to participation and
5 shall sign a consent to the drug testing and a release of information as a condition of participation.

6 Extracurricular activity is voluntary participation in activities not falling within the scope of the regular
7 curriculum and carrying no academic credit. This includes participating in programs such as athletics,
8 cheerleading/spirit, competitive band, clubs, student leadership positions, etc.

9 Prior to performing a random drug test on a student participating in extracurricular activities, the
10 following conditions shall be met:

- 11 1. The test will yield evidence of the violation of school policy or will establish that a student
12 either was impaired due to drug use or did not use drugs;
- 13
- 14 2. The test is in pursuit of legitimate interests of the school in maintaining order, discipline,
15 safety, supervision, and education of students;
- 16
- 17 3. The test is not conducted for the sole purpose of discovering evidence to be used in a criminal
18 prosecution; and
- 19
- 20 4. Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall
21 be a school administrator or designee.

22 No student who tests positive under a random drug testing program shall be suspended or expelled
23 from school solely as the result of the positive test.⁵ The Superintendent of Schools shall develop
24 procedures establishing a random process for the selection of students to be tested.

25 Testing procedures will be approved by the Board of Education. It is the intent of the Board that the
26 procedures be carried out uniformly, fairly, and confidentially to ensure the reliability and validity of
27 the plan. Regulations and procedures developed to carry out this policy will be on file at the school
28 and at the Superintendent of School's office.

29 Students determined to be in violation of the policy will be subject to penalties as outlined in the Board
30 approved random drug testing regulations and procedures.

Legal References

1. TCA 49-6-4213
2. TCA 49-6-4213(g)
3. TCA 49-6-4213(a)(1)
4. TCA 49-6-4213(a)(2)
5. TCA 49-6-4213(k)(2)
6. TCA 49-6-4213(d)
7. TCA 49-6-4213(j)-(k)
8. TCA 10-7-504
9. TCA 49-6-4213(l)
10. TCA 49-6-4213(m)

Cross References

Alcohol & Drugs in the Workplace 1.804
Drug-Free Schools 6.307
Disciplinary Hearing Authority 6.317

Document: Tenn. Code Ann. § 49-6-4213

Tenn. Code Ann. § 49-6-4213

Copy Citation

Current through the 2023 First Extraordinary Session of the General Assembly. The Tennessee Code Commission may make editorial changes to this version and may relocate or redesignate text. Those changes will appear on Lexis Advance after the publication of the certified volumes and supplements. Pursuant to T.C.A. §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not T.C.A. Case annotations are current through September 15, 2023.

TN - Tennessee Code Annotated Title 49 Education Chapter 6 Elementary and Secondary Education Part 42 School Security Act of 1981

49-6-4213. Testing of students for drugs — Referral information and assistance for students testing positive.

(a)

(1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student. All of the following standards of reasonableness shall be met:

(A) A particular student has violated school policy;

(B) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;

(C) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;

(D) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and

(E) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.

(2) A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth in subdivisions (a) (1)(B)-(E) are met.

(b) As used in this section and § 49-6-4203, "drugs" means:

(1) Any scheduled drug as specified in §§ 39-17-405 — 39-17-416; and

(2) Alcohol.

(c) Before a drug testing program is implemented in any LEA, the local board of education in that LEA shall establish policies, procedures and guidelines to implement this section within that LEA. The state board of education shall prepare a model policy, procedure and guidelines that may be adopted by local boards of education.

(d) Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.

(e) Students shall be advised in writing at the time of their enrollment that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal.

(f)

(1) A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.

(2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.

(g) The LEA shall pay the cost of any testing required under this section.

(h) In any school where LEA or school policy allows tests provided for by this section, in-service training of principals and teachers will be conducted in signs and symptoms of student drug use and abuse and in the school policy for handling of these students. The department of mental health and substance abuse services shall cause qualified trainers to be available to the schools to conduct this training.

(i) Test reports from laboratories shall include the specimen number assigned by the submitting LEA, the drug testing laboratory accession number and results of the drug tests. Certified copies of all analytical results shall be available from the laboratory when requested by the LEA or the parents of the student. The laboratory shall not be permitted to provide testing results verbally by telephone.

(j)

(1) All specimens testing negative on the initial screening test or negative on the confirmatory test shall be reported as negative.

(2) If a student is tested and the results of the test are negative, all records of the test, request for a test or indication a student has been tested shall be expunged from all records, including school records.

(k)

(1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).

(2) No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.

(3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

(l) Each LEA participating in the drug testing of students authorized in subsection (a) shall promulgate policies and procedures to ensure that those students testing positive receive the assistance needed. The assistance shall include an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate. Nothing in this section shall be construed to require LEAs to administer drug tests to students. Any system that elects to participate shall supply the testing materials and any subsequent counseling within existing local funds.

(m) Malicious use of authority granted by this section may be grounds for dismissal of the person so acting.

History

Acts 1988, ch. 940, § 1; 1999, ch. 367, § 5; 2000, ch. 947, § 6; 2010, ch. 1100, § 78; 2010, ch. 1136, §§ 1-4; 2012, ch. 575, § 1.

TENNESSEE CODE ANNOTATED

Copyright © 2024 by The State of Tennessee All rights reserved

Content Type:

Terms:

Narrow By: -None-

Date and Time: Feb 22, 2024 10:12:12 a.m. EST



[Print](#)

[Cookie Policy](#)

[Terms & Conditions](#)

Kingsport City Schools

FY 2024-2025 Budget Presentation

To: City of Kingsport
Board of Education

April 23, 2024



FY 2024-25 BUDGET



- State Revenue
 - Tennessee Investment in Student Achievement Funds (TISA)
 - The March 2024 Estimate of TISA funds for FY 2025 for Kingsport City Schools is \$66,843,750. The final allocation amount for FY 2024 was \$65,806,087. This amount represents the total amount for Kingsport City Schools and includes the State amount and the required local contribution.
 - Local Education Agencies (LEAs) must fund 30% of the total state-wide TISA allocation for base and weighted funding.

FY 2024-25 BUDGET



- State Revenue
 - Tennessee Investment in Student Achievement Funds (TISA)
 - The preliminary State share of the TISA allocation for Kingsport City Schools is \$46,633,670.
 - The amount included in the FY 2024 budget is \$46,271,300.
 - The increase from the FY 2024 budget to the FY 2025 March estimate is \$362,400.
 - An April estimate should be received prior to the approval of the FY2025 budget.

FY 2024-25 BUDGET



- State Revenue
 - Tennessee Investment in Student Achievement Funds (TISA)
 - The FY 2024 TISA revenue is based on 7,525 students.
 - The FY March 2024 TISA estimate is based on 7,397 students.
 - A decrease of 128 students represents a decrease in total TISA funding of \$905,600. The State portion (70%) is \$633,920.

FY 2024-25 BUDGET



- County Revenue

- Property Taxes

- The FY 2025 estimate for Current Year Property Taxes is \$15,000,000.
 - This estimate is based on an increase in assessed value of 2.5%.
 - The estimate also includes a negative TIF (Tax Increment Financing) adjustment of \$325,000.
 - The FY 2025 estimate is \$3,340,000 less than the FY 2024 estimate.

FY 2024-25 BUDGET



- County Revenue

- Local Option Sales Tax

- The FY 2025 estimate for Local Option Sales Tax is \$15,500,000.
 - The FY 2025 estimate is \$700,000 greater than the FY 2024 estimate of \$14,800,000.
 - This estimate is based on an estimated actual FY 2024 collection amount of \$15,050,000, with a 3.0% increase in collections.

FY 2024-25 BUDGET



- Other Revenue

- Early Childhood Fees - There is an increase in the rates charged for early childhood services of \$50 per month. The additional revenue generated from a \$50/per month increase is approximately \$67,000. The fees for FY 2025 will be:

Infants	\$830/month
Toddlers	\$810/month
Preschool	\$790/month
Registration Fee	\$175

FY 2024-25 BUDGET



- Early Childhood Programs
 - The estimated revenue for the Early Childhood Programs is \$1,075,700.
 - The budget for these programs is \$1,252,650.
 - The budgeted deficit is \$176,950.
 - The amount charged to these programs for the directors salary and benefits is \$168,300.

FY 2024-25 BUDGET



Transfers from the City of Kingsport:

- For Operations: The recommended budget includes \$11,245,300 for Transfers from the City for Operations. This is the same amount as the FY 2024 transfer.
- For Debt Service: The amount included for Transfers for Debt Service has increased by \$743,550, for a new amount of \$4,443,150. The majority of this increase will fund the first full annual payment on the debt issued for the D-B Dome project.

FY 2024-25 BUDGET



- Revenue Summary

FY 25 Revenue Estimate	\$98,532,250
FY 24 Revenue Estimate	<u>99,778,800</u>
Decrease	<u>\$ (1,246,550)</u>

FY 2024-25 BUDGET



- Expenditures

- Personnel Expenditures

- Kingsport City Schools classified employees will receive their scheduled annual step increases and a 1% cost of living adjustment.
 - Kingsport City Schools certified employees will receive their scheduled annual step increases and a 1% cost of living adjustment.

FY 2024-25 BUDGET



- Expenditures

 - Certified

– Step Increases	\$ 622,100
– 1 % Cost of Living Increase	<u>507,500</u>
Total Funds for Certified Pay Increases	<u>\$1,129,600</u>

FY 2024-25 BUDGET



- Expenditures

 - Classified Personnel

– Classified Step Increases (2% Steps)	\$238,000
– Classified Cost of Living Increase (1%)	<u>122,400</u>
Total Costs of Classified Pay Increases	<u>\$360,400</u>

FY 2023-24 BUDGET



- Expenditures

- Employee Pay Increases

- Certified Pay Increases \$1,129,600

- Classified Pay Increases 360,400

- Total Costs of Employee Pay
Increases

- \$1,490,000

FY 2023-24 BUDGET



- Expenditures

- Personnel

– 13.0 Interventionist (Previously funded by ESSER)	\$ 943,000
– 0.6 Science Specialist (Previously funded by ESSER)	46,000
– 1.5 Innovative School Models (ISM) Grant Teaching Positions	135,000
– This represents 25% of the salary and benefits for 6 teaching positions for the second year of the ISM grant.	
Total Costs of New Positions	\$1,124,000

FY 2023-24 BUDGET



- Expenditures
 - Other Personnel Increases
 - Health Insurance Increase (5.0%) \$ 243,650
 - Retiree Health Insurance 50,000
 - Classified Retirement 37,400
 - Additional Roles & Responsibilities Funds 156,600
 - Coaching Supplements/Stipends 51,000

FY 2023-24 BUDGET



- Expenditures

- Other Increases

– Lacrosse Startup Expense	25,000
– Drug Testing Expenses	25,000
– Technology Budget	30,000
– Liability Insurance	15,600
– Risk Administration	65,100
– Building Insurance	78,300
– Debt Service Budget	743,600

FY 2024-25 BUDGET



- Capital Improvements
 - In FY 2024 the amount included in the operating budget for Capital Improvements was \$400,000.
 - For several years the CIP budget has been \$300,000.
 - In FY 2025 the 2010 EESI loan payment will decrease by \$293,100. This loan payment has come out of the regular operating budget. These funds will be redirected in the FY 2025 budget to the CIP account.
 - This CIP budget for FY 2025 will be \$600,000.

FY 2024-25 BUDGET



- One-Time Expenses

- In FY 2024 there were several amounts that were earmarked for one-time expenses. This was done in order to reserve increased TISA funds to fund recurring expenses in the FY 2024 budget that were funded by grant fund that would be discontinued in the FY 2025 budget.
- There were also some one-time expenses that were funded by a Fund Balance appropriation.
- Below is a listing of the FY 2024 one-time expenses.

– Bus Purchases (Fund Balance)	\$ 510,000
– SRO Funds (Fund Balance)	400,000
– ESSER Funds	1,300,000
– ISM Grant Funds	500,000
– Other TISA Funds	<u>440,000</u>
Total Reductions in FY 2025 Budget	<u>\$3,150,000</u>

FY 2024-25 BUDGET



- Budget Summary

FY 25 Budget	\$98,532,250
FY 24 Budget	<u>99,778,800</u>
Increase	<u>\$ (1,246,550)</u>